

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

647 Lakeland Road
Shawano, Wisconsin 54166
Telephone 715-524-2183
FAX 715-524-3214

December 6, 1999

Mr. James P. Kelley
Regional Engineer
USFWS
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

COPY

Subject: Final Case Closure for Strauss Waterfowl Protection Area, N6036 Highway 47/55, Town of Wescott, Shawano County, WI; DNR BRRT's # 03-59-001941.

Dear Mr. Kelley

I have received a copy of the Groundwater Use restriction that was filed for the Strauss Waterfowl Protection Area. I have also received the monitoring well abandonment forms as requested in my previous letter. As a result, the Department has formally closed this case and is not requiring any additional actions at the site.

The Department appreciates the actions you have undertaken to restore the environment at the property. If you have questions regarding this letter, you may contact me at (715) 526-4230.

Sincerely,

Tom Sturm
Hydrogeologist
Remediation and Redevelopment Program

cc: Dean Fenske – Drake Environmental Inc., 6890 North Teutonia, Milwaukee, WI 53209
Steve Lenz – USFWS, Leopold Wetland Management District, W4279 Headquarters Rd., Mayville, WI 53050

Local Coordinator/District Mgr.

441971

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HORIZON

QUITCLAIM DEED TO U. S. FISH AND WILDLIFE SERVICE

THIS QUITCLAIM DEED made this 29th day of April, 1991, by and between the UNITED STATES OF AMERICA acting by and through the SECRETARY OF AGRICULTURE represented by the Farmers Home Administration (hereafter "Grantor"), and the UNITED STATES OF AMERICA by and through the SECRETARY OF THE INTERIOR on behalf of the United States Fish and Wildlife Service (hereafter "Grantee").

BY AUTHORITY conferred on the Grantor by Section 354 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2002) providing for the transfer, without reimbursement, of fee title or other interest herein of inventory lands to any Federal or State agency for conservation purposes; and,

THE GRANTOR ACKNOWLEDGES, by this instrument, the determination that the rights of all prior owners and operators of the lands described below have expired, that the land is determined to be suitable or surplus, and that it has marginal value for agricultural production, is environmentally sensitive, or has special management importance, and that this transfer and conveyance comports with and is in furtherance of said authority,

NOW THEREFORE, for and in consideration of the Congressionally mandated purposes as authorized by the above referenced authority and other conservation benefits conferred by the transfer of these lands pursuant to federal law, the Grantor does hereby transfer and quitclaim to the Grantee the following described lands:

Government Lot 1, except that part thereof lying West of Highway "47"; and the Northeast 1/4 of the Northwest 1/4; and the Northwest 1/4 of the Northeast 1/4; and all being located in Section 19, Township 27 North, Range 16 East, Shawano County, Wisconsin. Subject to existing public highways.

And being the same land conveyed from Citizens State Bank to United States of America, United States Department of Agriculture, acting through the Farmers Home Administration, by Quitclaim Deed dated February 6, 1984, and recorded in Book 602, Page 86 of the Records of Shawano County in the State of Wisconsin.

The above described land shall hereafter be administered by the Secretary of the Interior, acting by and through the United States Fish and Wildlife Service, as part of the National Wildlife Refuge System pursuant to the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd, et seq.).

FILE
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INDEXED

TO HAVE AND TO HOLD, the herein described land unto the Grantee forever.

WITNESS, the signature of the authorized officer of the Grantor.

UNITED STATES OF AMERICA
THE SECRETARY OF AGRICULTURE
By:

Ronald W. Caldwell, State Director
Farmers Home Administration

In the presence of:

Francis E. Kuhls

Kathy J. Bleskey

State of Wisconsin)
) S.S.
County of Portage)

I, Susan E. Kohnon, Notary Public in and for the above stated County and State do certify that Ronald W. Caldwell, State Director, being the duly authorized agent of the Secretary of Agriculture, did acknowledge this instrument before me this 29th date of April, 1991.

Susan E. Kohnen, Notary Public

My Commission Expires: April 2, 1995

REGISTERS OFFICE
SHAWANO COUNTY, WI SS
Reviewed by Register 24th
day of Oct AD 1914 3:10
o'clock PM AND Recorded in Vol. 704
of Records of 209-510
L. H. Redman Register

Conservation Easement Reservations in the United States

By this instrument there is reserved in the UNITED STATES OF AMERICA, its successors and assigns, a perpetual conservation easement on the property conveyed by this deed.

This easement is under the authority and in furtherance of the provisions of federal law, including sections 331 and 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981, 1985), Executive Order 11990 providing for the protection of wetlands, and Executive Order 11988 providing for the management of floodplains. The restrictions and covenants contained in this easement constitute a perpetual servitude on and run with the property. The Grantee and all successors and assigns "landowner" under this deed covenants with the United States to do or refrain from doing, severally and collectively, the various acts mentioned later in this easement. The United States is reserved the rights enumerated in this easement for itself and its successors, agents and assigns.

I. Description of the Easement Area.

Former Owner: Phillip Strauss
County: Shawano
State: Wisconsin
Township: East Port Wescott
Location: T.27N., R.16E., 4th P.M.
Section 19, NW1/4 NE1/4, N1/2 NW1/4 except for those
lands west of Wisconsin Hwy 47 and 55 in Section 19,
W1/2NW1/4NW1/4 as shown on Exhibit A.

II. Covenants by the Landowner.

A. No dwellings, barns, outbuildings or other structures shall be built within the easement area.

B. The vegetation or hydrology of the described easement area will not be altered in any way or by any means or activity on the property conveyed by this deed, or property owned or under the control of the landowner, including (1) cutting or mowing; (2) cultivation; (3) grazing; (4) harvesting wood products; (5) burning; (6) placing of refuse, wastes, sewage, or other debris; (7) draining, dredging, channeling, filling, discing, pumping, diking, impounding and related activities, or (8) diverting or affecting the natural flow of surface or underground waters into, within, and out of the easement area.

C. Notwithstanding the provisions of paragraph II-B above, the landowner shall be responsible for compliance with all federal, state and local laws for the control of noxious or other undesirable plants on the easement area. The responsibility for such plant control may be assumed in writing by and at the option of the easement manager where the control or manipulation of such plants is deemed by the manager to affect easement management programs or policies.

532000

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Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: Township Twenty-seven (27) North, Range sixteen (16) East, Shawano County, Wisconsin, Fourth Principal Meridian: In Section Nineteen (19), Government Lot 1, except that part thereof lying West of Highway "47"; and the Northeast Quarter Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); and the Northwest Quarter Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$).
Containing 108 acres, more or less. Subject to existing public highways

STATE OF Wisconsin)
) ss
COUNTY OF Shawano)

REGISTERS OFFICE
SHAWANO COUNTY, WI SS

Received for Record this 11thday of May A.D. 2000 at 2:10o'clock P M. AND Recorded in Vol. 941of Records Pages 297-300

Maura Repler Register
REGISTERS OFFICE

Recording Area

Name and Return Address

Leopold Wetland Mgt. Distric
W 4279 Headquarters Rd.
Mayville, WI 53050 \$16
2:10

Parcel Identification Number (PIN)

WHEREAS, the United States of America and its assigns,
Washington D.C. is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property.
Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at the following location(s) on the following date(s):
Monitoring Well MW-2, Benzene at 110 micrograms per liter (ug/L) on May 21, 1999;
Monitoring Well MW-4, Benzene at 45 ug/L on May 21, 1999. Location of MW-2 and MW-4 are indicated on Exhibit A, attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

APR 11 2000

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Steven J. Lenz asserts that he/she is duly authorized to sign this document on behalf of the United States of America.

APR 11 2000

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 11th day of May, 2000.

Signature: Steven J. Lenz

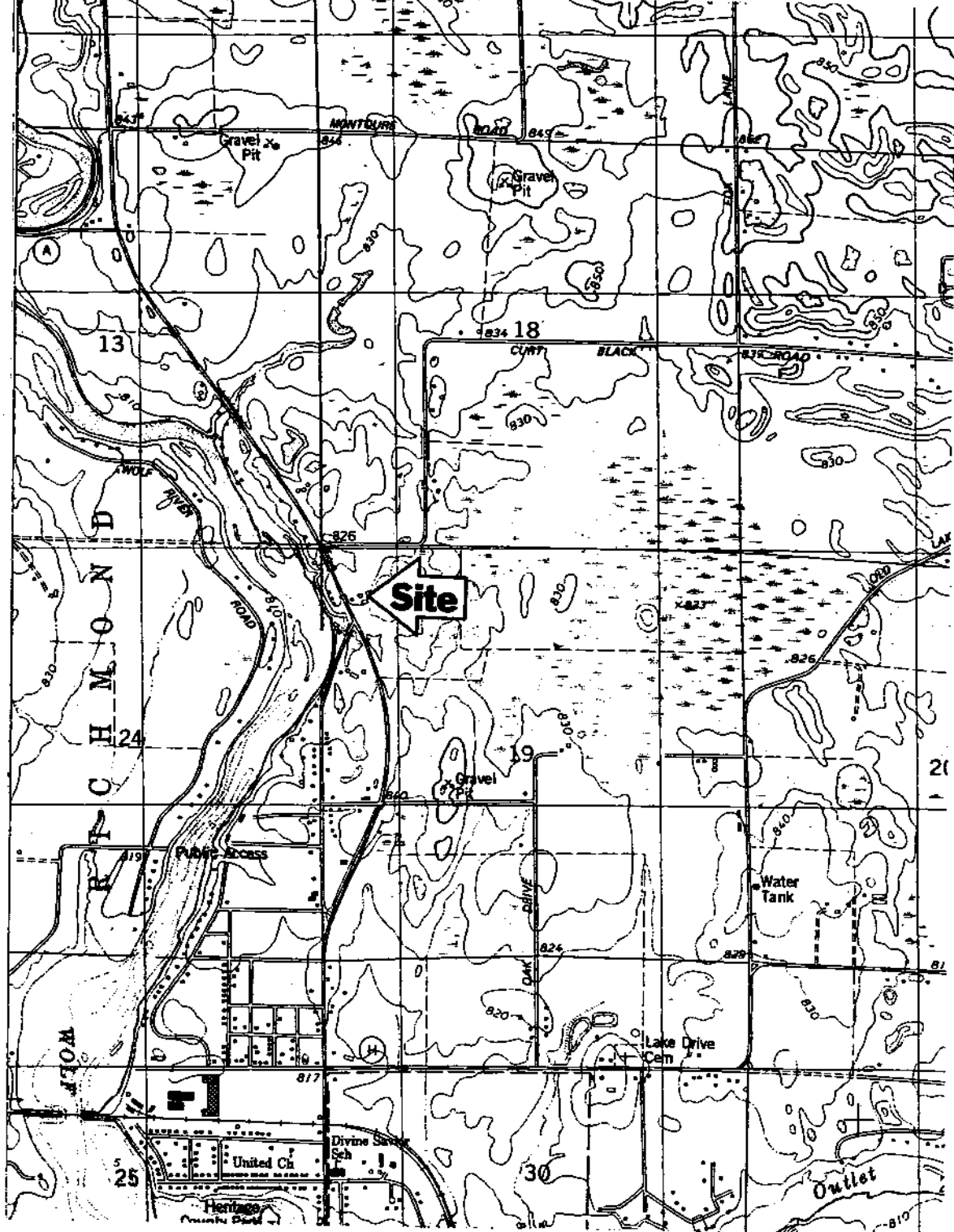
Printed Name: Steven J. Lenz

Title: Project Leader

Subscribed and sworn to before me
this 11th day of May, 2000.

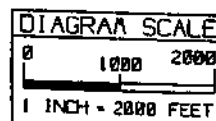
Lynna M. Bartz
Notary Public, State of Wisconsin
My commission 6-16-2002

This document was drafted by the Wisconsin Department of Natural Resources based on information submitted by the United States Fish and Wildlife Service.



PRINTED FROM MAPTECH'S TOPOSCOUT PROGRAM ON CD

SHAWANO - WISCONSIN
NW 1/4 NW 1/4 SEC 19 T27N R16 EAST



STRAUSS WPA
MONITORING PROGRAM

PROJECT NO. J99025 PA DVF
TOPO COPIED DATE: 06/18/99
CHKD BY DVA DATE: 06/18/99
APPROV BY DATE

VICINITY
DIAGRAM

FIGURE
1

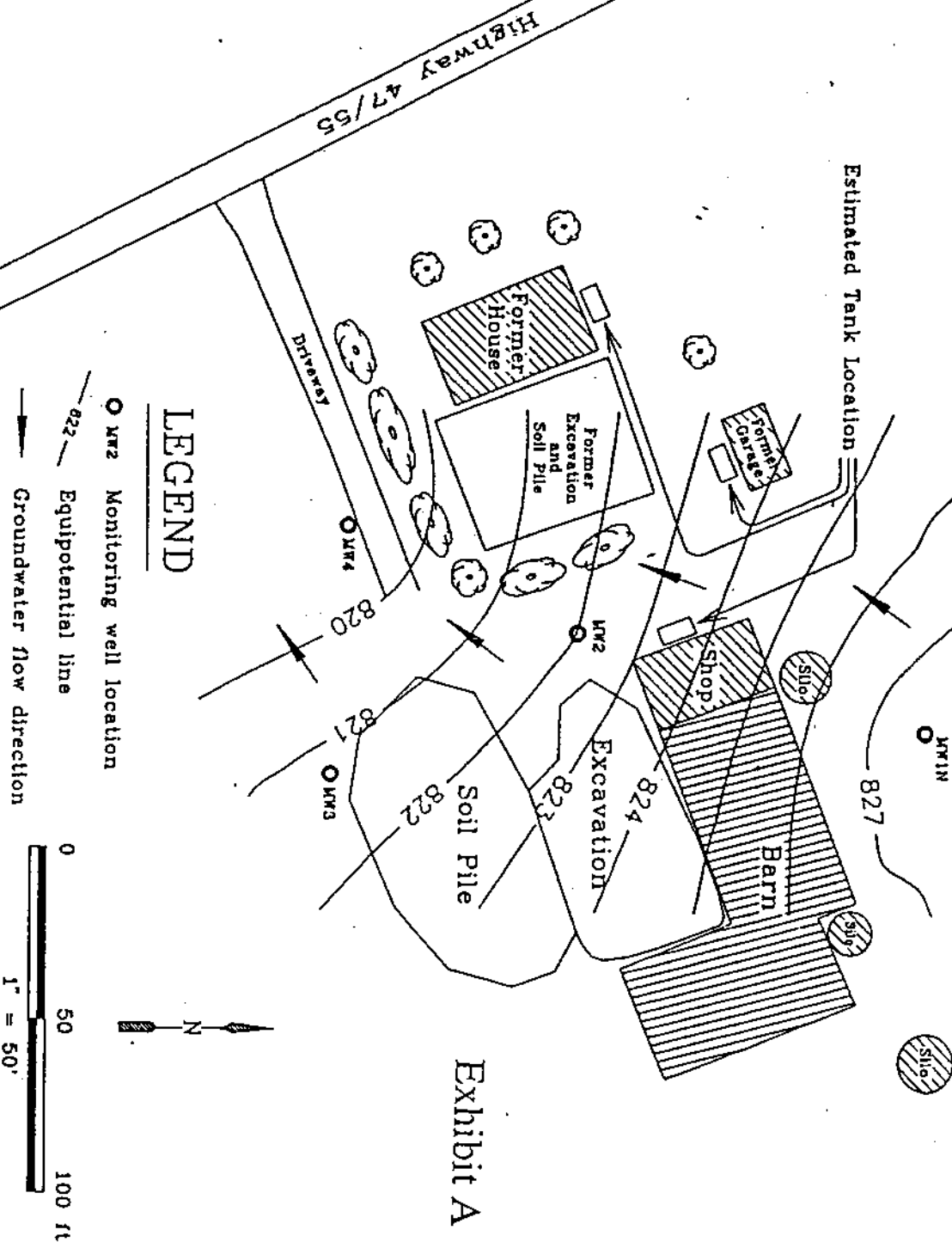


TABLE 3 (page 2 of 2)
Analytical Results — Groundwater Samples
Strauss WPA Property
Wescott, Wisconsin
Drake Project No. J99025
(Only the detected PVOC or VOCs are presented.)

Parameter	MW-3 7/19/95	MW-3 8/22/95	MW-3 5/21/99	MW-4 7/19/95	MW-4 8/22/95	MW-4 (Dup) 8/22/95	MW-4 5/21/99	MW-5 5/21/99	PAL	ES
GRO (ppb)	<100	<100	<50	2,900	11,000	NA	190	<50	NS	NS
DRO (ppb)	180	160	<100	1,800	4,500	NA	120	<100	NS	NS
VOCs (ppb)										
Benzene	<1.0	<0.33	<0.5	390	1,200	1,300	45	<0.5	0.5	5
n-Butylbenzene	<1.0	NA	NA	47	NA	NA	NA	<0.5	NS	NS
sec-Butylbenzene	<1.0	NA	NA	13	NA	NA	NA	<0.5	NS	NS
1,2-Dichloroethane	<1.0	NA	NA	32	NA	NA	NA	<0.5	NS	NS
Ethylbenzene	1.1	<0.25	<0.5	270	680	680	9.7	<0.5	140	700
Isopropylbenzene	<1.0	NA	NA	55	NA	NA	NA	<0.5	NS	NS
p-isopropyltoluene	<1.0	NA	NA	3.0	NA	NA	NA	<0.5	NS	NS
Methyl tert-butyl ether	<1.0	<2.6	<0.2	<1.0	<64	<64	1.8	<0.2	12	60
Naphthalene	<3.0	NA	NA	110	NA	NA	NA	<2.0	8	40
n-propylbenzene	<2.0	NA	NA	74	NA	NA	NA	<0.5	NS	NS
Toluene	<1.0	<0.35	<0.5	26	45	56	0.94	<0.5	68.6	343
Trichloroethene	<1.0	NA	NA	<1.0	NA	NA	NA	<0.5	0.5	5
TMBs	<2.0	<1.19	<2.0	122	708	763	6.8	<2.0	96	480
Total xylenes	<2.0	<1.1	<0.5	554.9	2,400	2,600	11	<0.5	124	620
Total Lead (ppm)	<2.0	NA	NA	<2.0	NA	NA	NA	<1.5	1.5	15

ppb = parts per billion

PAL = Preventive Action Limit

ES = Enforcement Standard

NS = No established standard.

TMBs = Combined 1,2,4-Trimethylbenzene and 1,3,5-Trimethylbenzene

Note: Parameter concentrations that exceed their respective PALs are in bold type.

Parameter concentrations that exceed their respective ESs are in bold type and underlined.

TABLE 3 (page 1 of 2)
Analytical Results — Groundwater Samples

Strauss WPAProperty
Wescott, Wisconsin

Drake Project No. J99025

(Only the detected PVOC or VOCs are presented.)

Parameter	MW-1N 7/19/95	MW-1N 8/22/95	MW-1N 5/21/99	MW-2 7/19/95	MW-2 (Dup) 7/19/95	MW-2 8/22/95	MW-2 5/21/99	PAL	ES
GRO (ppb)	<100	<100	<50	1,000	1,400	2,500	1,900	NS	NS
DRO (ppb)	190	<100	NA	980	790	2,000	970	NS	NS
VOCs (ppb)									
Benzene	<1.0	<0.33	<0.5	<u>7.7</u>	<u>10</u>	<u>120</u>	<u>110</u>	0.5	5
n-Butylbenzene	<1.0	NA	NA	50	51	NA	NA	NS	NS
sec-Butylbenzene	<1.0	NA	NA	7.8	7.6	NA	NA	NS	NS
1,2-Dichloroethane	<1.0	NA	NA	<1.0	<1.0	NA	NA	NS	NS
Ethylbenzene	<1.0	<0.25	<0.5	37	40	200	210	140	700
Isopropylbenzene	<1.0	NA	NA	3.0	3.4	NA	NA	NS	NS
p-isopropyltoluene	<1.0	NA	NA	<1.0	<1.0	NA	NA	NS	NS
Methyl tert-butyl ether	<1.0	<2.6	<0.2	<1.0	<1.0	<26	8.3	12	60
Naphthalene	<3.0	NA	NA	10	6.6	NA	NA	8	40
n-propylbenzene	<2.0	NA	NA	13	13	NA	NA	NS	NS
Toluene	<1.0	<0.35	<0.5	4.8	5.4	<3.5	9.0	68.6	343
Trichloroethene	<1.0	NA	NA	<1.0	<1.0	NA	NA	0.5	5
TMBs	<2.0	<1.19	<2.0	72	80	301	245	96	480
Total xylenes	<2.0	<1.1	<0.5	93.2	103.3	350	290	124	620
Total Lead (ppm)	<2.0	NA	NA	<2.0	<2.0	NA	NA	1.5	15

ppb = parts per billion

PAL = Preventive Action Limit

ES = Enforcement Standard

NS = No established standard.

TMBs = Combined 1,2,4-Trimethylbenzene and 1,3,5-Trimethylbenzene

Note: Parameter concentrations that exceed their respective PALs are in bold type.

Parameter concentrations that exceed their respective ESs are in bold type and underlined.

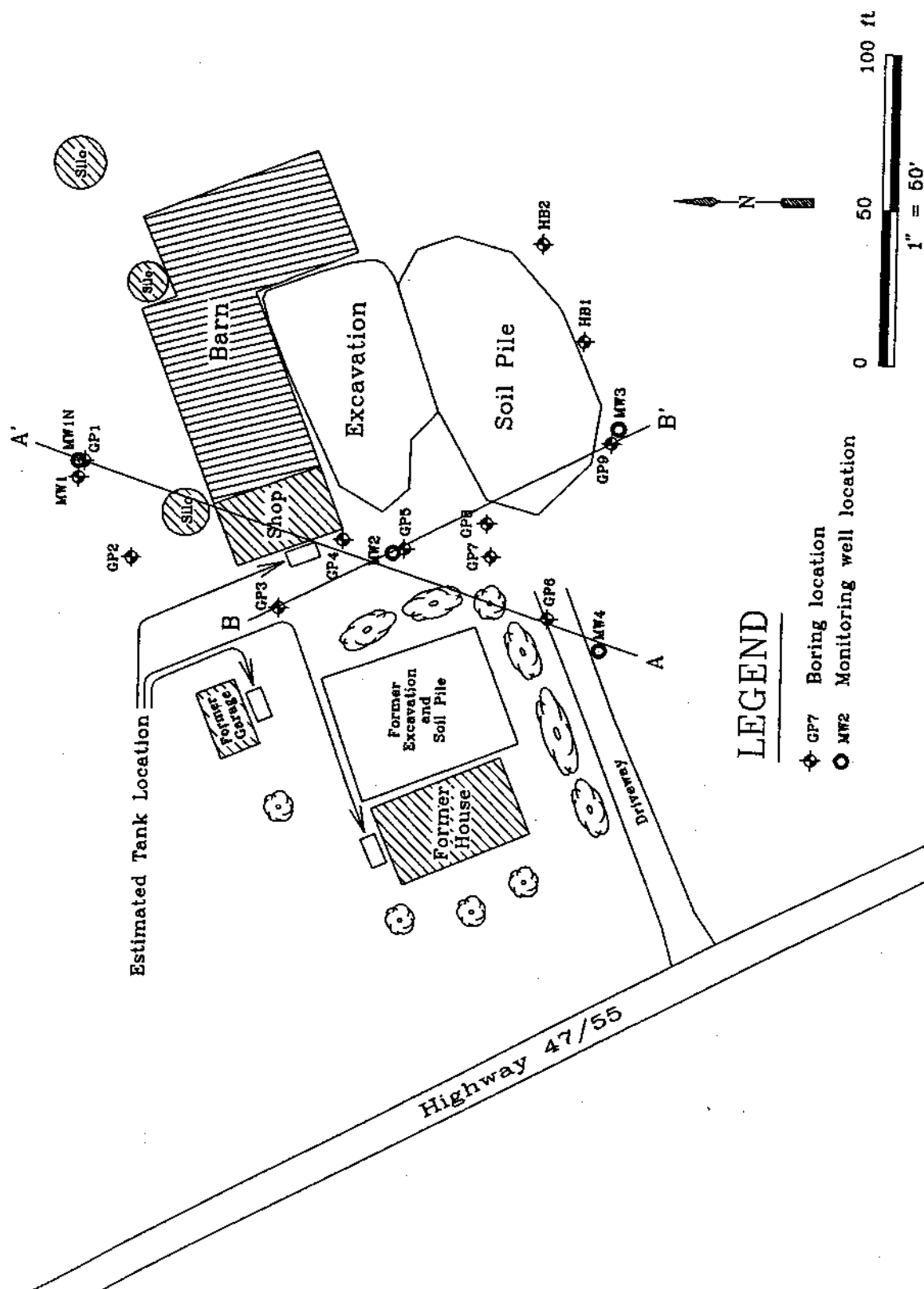


Figure 3. Boring and Well Location Map

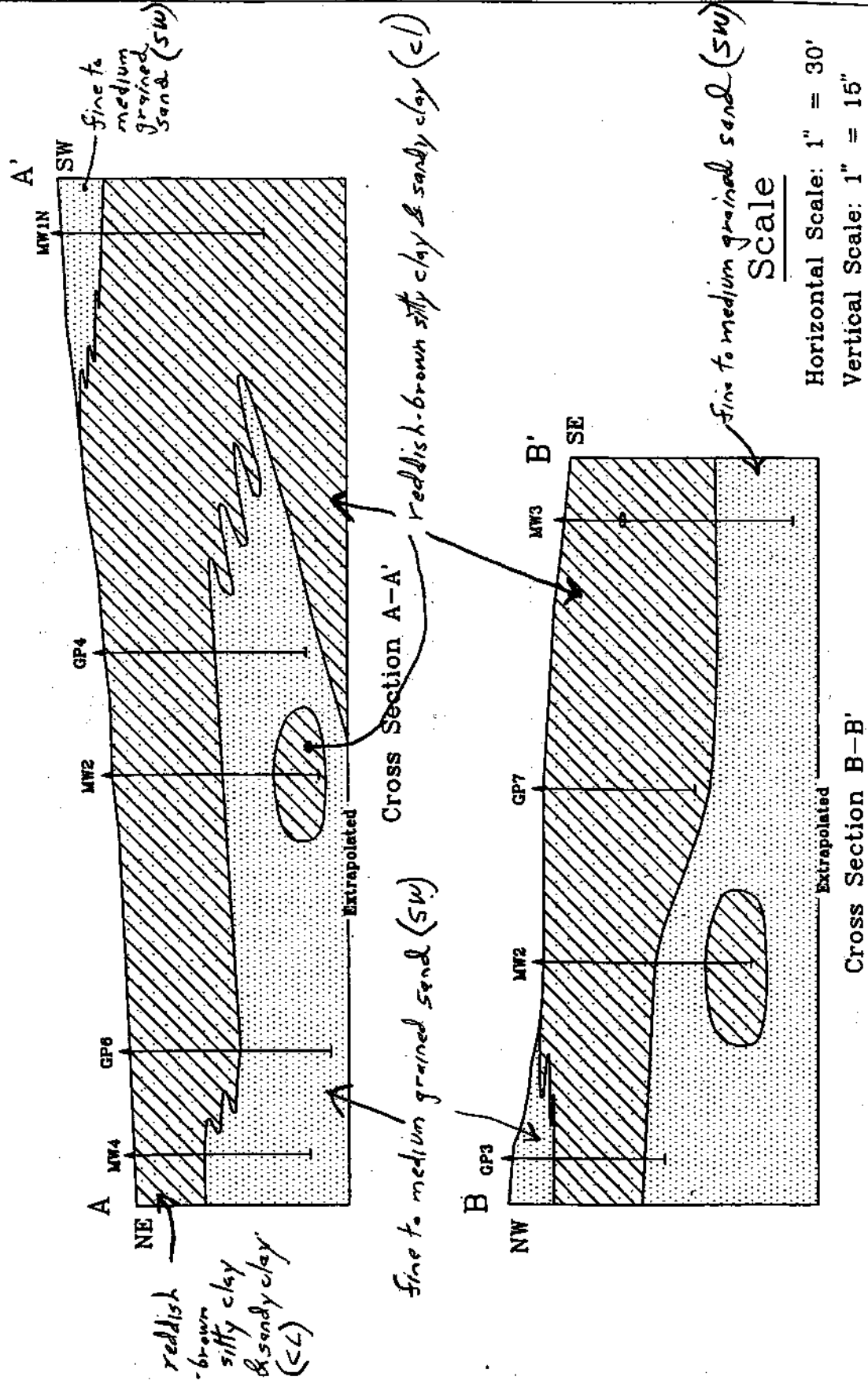


Figure 4. Geological Cross Sections